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World Survey on the Role of Women in Development

Report of the Secretary-General**

Summary

The present report is prepared in response to General Assembly resolutions 54/210 and 58/206, in which the Assembly requested the Secretary-General to update the *World Survey on the Role of Women in Development* for consideration by the General Assembly at its fifty-ninth session. It focuses on women and international migration, and presents key issues on labour migration, family formation and reunification, rights of migrant women, refugees and displaced persons, as well as trafficking of women and girls. The report provides a summary of key elements contained in the *World Survey on the Role of Women in Development*.

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I. Introduction

1. The General Assembly, in its resolutions 54/210 and 58/206, requested the Secretary-General to update the *World Survey on the Role of Women in Development* for consideration at its fifty-ninth session. The *World Survey* focuses on selected emerging development issues that have an impact on the role of women in the economy at the national, regional and international levels. This report provides a summary of the fourth *World Survey on the Role of Women in Development*.

2. In his report on the strengthening of the United Nations to the General Assembly at its fifty-seventh session (A/57/387), the Secretary-General highlighted the importance of focusing more comprehensively on migration, to better understand the causes of international flows of people and their complex interrelationship with development. In its resolution 58/208, on international migration and development, adopted at its fifty-eighth session, the Assembly called upon the United Nations system to continue to address migration issues, including a gender perspective and cultural diversity, within the broader context of the implementation of agreed economic and social development goals and respect for all human rights.

3. The *World Economic and Social Survey 2004*, issued by the Department of Economic and Social Affairs of the United Nations Secretariat, focuses on international migration and development. The *World Survey on the Role of Women in Development* addresses key issues related to women and international migration.

4. The Beijing Platform for Action adopted at the Fourth World Conference on Women in 1995, recognized that movements of people have profound consequences for family structures and well-being and have unequal consequences for women and men. The Platform highlighted the vulnerability of migrant and refugee women and children to violence, human rights abuse and sexual exploitation. It included recommendations on the economic and legal empowerment of women migrants, including trafficked women, refugees and displaced persons.[1]

5. The Programme of Action of the International Conference on Population and Development, held in Cairo in 1994, noted that national admission policies should not be discriminatory in nature and that Governments should pay special attention to protecting women and child migrants. It urged Governments to recognize the importance of family unity in framing immigration policies, and encouraged efforts to foster the positive effects of international migration, including remittances and technology transfer. The Conference highlighted the need to combat trafficking in migrants, placing special emphasis on the protection of women and children trafficked for sexual exploitation and coercive adoptions.[2]

6. In his report to the General Assembly at its fifty-eighth session on violence against women migrant workers,[3] the Secretary-General highlighted progress made at the national and international levels in addressing violence against women migrant workers. Efforts are still needed in areas such as legislation, access to social services, prevention, awareness and training. The General Assembly, in its resolution 58/143, urged Governments to strengthen measures at the international and domestic levels to protect and empower women migrant workers.

II. Gender equality perspectives on international migration

7. The number of international migrants defined as persons born in a country other than that in which they live has grown to an estimated 175 million by 2000,[4] of which an estimated 159 million are voluntary migrants and 16 million are refugees. The international migrant population has been growing faster than the world population; by 2000 it represented about 3 per cent of the world population.

8. The migration of women has always been an important component of international migration. As at 2000, 49 per cent of all international migrants were women or girls,[5] up from 46.6 per cent in 1960 (Population Division of the Secretariat 2003), and the proportion of women among international migrants had reached 51 per cent in more developed regions. Europe had the highest proportion of female migrants, and western Asia and Southern Africa had the lowest. Women often migrate officially as dependent family members of other migrants or to marry someone in another country. They also move on their own to become the principal wage earners of their families. Most women move voluntarily; some women and girls are forced migrants who have fled conflict, persecution, environmental degradation, natural disasters and other situations that affect their habitat, livelihood and security. According to data provided by the United Nations High Commissioner for Refugees (UNHCR), women and girls constituted 49 per cent of the 9.7 million refugees at the end of 2003.

9. A gender perspective is essential to understanding both the causes and the consequences of international migration. Gender inequality can be a powerful factor in precipitating migration when women have economic, political and social expectations that opportunities at home do not meet. Globalization, with its emphasis on communications, trade and investment, has increased knowledge of options within and outside home countries, and has opened up a range of new opportunities for women. However, in countries where the effects of globalization have increased poverty and left women with limited economic, social or political rights, international migration may be the best or only way to better their social and economic situation.

10. When women are admitted in the country of destination as dependants of close relatives, their ability to remain in that country is contingent on their familial relationships. Today, when more women are migrating on their own as principal wage earners, they tend to take jobs in traditional female occupations, including domestic work, the garment industry, nursing and teaching. Generally, the average earnings of female migrants tend to be lower than those of male migrants.

11. Migration can be an empowering experience for women. In the process of international migration, women may move away from situations where they are under traditional, patriarchal authority and into situations where they are empowered to exercise greater autonomy over their own lives.

12. International migration profoundly affects gender relations, particularly the role of women in households and communities. Migration may enhance the autonomy and the power of women. When women from traditional societies migrate to advanced industrial societies, they become familiar with new norms regarding the rights of and opportunities for women. If they participate in wage employment, they gain access to financial resources. Even if their pay is pooled with the earnings of

other family members, this wage-earning capacity gives women greater ability to influence household decision-making.

13. Women who stay behind when their husbands migrate also experience changes in their roles, having to assume more responsibilities. Those women often have to take on new roles and assume responsibility for decisions affecting the social and the economic well-being of their households. Although they may be financially dependent on remittances from their overseas relatives, such women may have substantial autonomy over decisions about how the funds are used.

14. Female migration requires profound changes in family relationships. Men do not necessarily take up new domestic roles to care for children and other family members left behind, although some become full-time caregivers. Men usually continue to work outside the home. Often, grandmothers, older daughters or other family members assume responsibility for childcare and other household activities.

15. A dearth of data on women and migration makes it difficult to assess the full implications of international migration for women. Statistics on international migration, both legal and unauthorized, are far from providing universal coverage and are often published without a classification by sex or age. A better understanding of women and migration requires improvement in data collection, dissemination and analysis.

III. Migration, poverty reduction and sustainable development

16. Migrant women can contribute to the economic development of both their country of origin and that of destination through financial contributions from remittances, improvement of their own skills or their contribution to improving the education and the skills of the next generation.

17. Individual remittance transfers continue to be an important source of income for many families in developing countries. According to conservative estimates of the International Monetary Fund (IMF), in 2003 international remittances to developing countries exceeded $90 billion.[6] Since 2003, when official development assistance (ODA) reached $68.5 billion per year, international migrants have been contributing more financial resources to their countries of origin than have developed countries.[7]

18. Although not much is known about the differences in remitting behaviour between migrant men and migrant women, evidence suggests that female migrants remit more of their income to their families than do male migrants. Since migrant women often earn less than their male counterparts, the total revenue available for them to remit is likely to be lower. Remittances help reduce poverty by providing additional income to poor households and may empower the women who receive those remittances to make decisions about their use.

19. Expatriate associations raise and remit funds that support infrastructure development and income-generating activities in the communities from which they originate. Associations of migrant women may influence societies of origin by disseminating new values regarding the rights of and opportunities for women. Migrant communities abroad, also known as "diasporas", can be a source of direct investment in businesses in the country of origin, and can link those businesses with technology, finance, markets or other inputs from abroad.

20. Some women professionals who migrate may return temporarily or permanently to their country of origin, bringing new skills acquired abroad. Such positive impact may, however, be hampered by migration policies of destination countries that make the circulation of migrants difficult. Migrants often lose their residence permits if they leave for a considerable period. Programmes that identify migrant women with specific skills needed in the country of origin and that facilitate their return and reintegration can contribute to economic development.

IV. Protecting the rights of migrant women

21. Various international instruments pecifically or generally enumerate the rights of migrants. International human rights conventions, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, also provide important protection for migrant women and girls.

22. The Convention on the Elimination of All Forms of Discrimination against Women includes a number of important provisions applicable to migrant women, such as the elimination of sex role stereotyping (article 5), the suppression of all forms of traffic in women and exploitation of prostitution (article 6) and an end to discrimination in the fields of employment and citizenship (articles 3, 9 and 11). Article 14 requires States Parties to act to eliminate gender discrimination in rural areas, which is important in helping ensure that rural women need not migrate in search of their rights and employment opportunities.

23. During the past decade, a number of international, regional and national instruments on migration, with provisions applicable to migrant women, have been adopted. They include the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime; and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime.

24. To aid in the recognition and the enforcement of international obligations for the treatment of migrants, the Commission on Human Rights established a Special Rapporteur on the human rights of migrants in 1999. In the report on the human rights of migrants to the fifty-eighth session of the General Assembly, the Special Rapporteur examined the link between smuggling and trafficking and recommended further study of their causes.[8] The Special Rapporteur recommended that greater efforts be made to combat corruption among immigration officials, provide adequate documentation and strengthen consular protections to nationals abroad. The report of the Special Rapporteur on Migrant Workers (E/CN.4/2004/76) focused specific attention on the situation of migrants in domestic service.

25. Recognizing the need to protect the human rights of victims of trafficking, the Commission on Human Rights, at its sixtieth session, established a Special Rapporteur on trafficking in persons, especially women and children. The Special Rapporteur will submit an annual report to the Commission on Human Rights.

26. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families defines the rights of migrant workers in two parts: "Human rights of migrant workers and members of their families" (part III), which reaffirms the human rights of all migrants regardless of their legal status, and in "Other rights of migrant workers and members of their families who are documented or in a regular situation" (part IV), which sets out additional rights applicable only to migrant workers in a regular situation. The Convention recognizes that migrant workers and members of their families are often in vulnerable and unprotected situations, especially because of clandestine movements and trafficking in workers. Its implementation could significantly encourage humane treatment of all migrant workers. However, the number of States that have ratified the Convention is still limited.

27. The Convention also seeks to prevent and to eliminate "clandestine movements and trafficking in migrant workers" (Preamble). Article 68 of the Convention proposes collaboration between States to prevent the dissemination of misleading information, and on measures to prohibit and punish those responsible for the illegal movement of migrant workers or for the employment of undocumented migrants under articles 1 and 2.1 of the Convention, migrant women are protected from discrimination.

28. Regional conventions offer limited rights to migrant workers, and explicit attention to women and children varies greatly. The European Convention on the Legal Status of Migrant Workers focuses primarily on migrants in legal work situations. The Bangkok Declaration on Irregular Migration[9] and the Manila Process seek to investigate, monitor and suppress irregular migration and trafficking in human beings, especially women and children. The Inter-American Commission on Human Rights monitors the status of human rights of migrants through its own Special Rapporteur on Migrant Workers and Their Families. The Migration Dialogue for Southern Africa facilitates regional dialogue and cooperation on migration policy in the region of the Southern African Development Community. The Agreement of the Council of Arab Economic Unity provides for freedom of movement, employment and residence and for the elimination of particular restrictions on movement.

29. Many national laws on emigration and immigration of voluntary migrants include discriminatory provisions that affect the protection of migrant women. Examples of discriminatory laws include provisions that bar or make it harder for female migrants to bring their husbands and children to join them, require pregnancy tests for female migrants, bar the emigration of women without guardian permission and impose age limits on the immigration or emigration of women and girls.

30. Other legal provisions, which may appear neutral, can have a disproportionately negative impact on women because they tend to migrate more frequently in certain categories, such as domestic workers or agricultural workers, for which local labour codes may not be in place or enforced. Furthermore, many countries provide residence permits but do not grant employment authorization to spouses of temporary workers. In countries where most migrant workers are men, such employment restrictions affect women migrants the most.

31. Laws adopted ostensibly to protect women often have counterproductive results, limiting their mobility and access to employment. For example, some

countries have placed restrictions on women seeking employment as domestic workers following incidents of abuse against such workers. Such bans not only deprive women of needed income, they often encourage women to leave clandestinely, placing them at even greater risk of abuse.

32. Consular protection can play an important role in ensuring that women migrants do not face abusive situations. Rather than bar emigration when abuses are identified, consular officers can monitor the security of migrant women in potentially vulnerable positions, using their diplomatic positions to engage the host country to intercede in favour of migrant women.

33. A range of other activities will help migrant women better protect their rights. These include "know your rights" training programmes for women who migrate. The better informed women are prior to migrating, the better they are able to assert their rights. Monitoring recruitment agencies and employers is essential to the protection of migrant women, particularly when migrant women are working in domestic labour or other activities that keep them out of public view. When abuses occur, legal representation for migrant women can help them obtain redress for discrimination, sexual harassment, lost wages and other violations of their labour rights.

34. Programmes that provide shelter and social services to migrant women who have experienced abuse are essential to protecting their rights. Migrant women who decide to return home after escaping abusive conditions may also need assistance in repatriation and reintegration. Consulates, non-governmental organizations, religious institutions and trade unions provide such assistance in a number of countries. The 2002 UNHCR *Guidelines on International Protection No. 1: Gender-Related Persecution* and the *Guidelines on International Protection No. 2: "Membership in a Particular Social Group" within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees* provide guidance on ensuring gender-sensitive interpretation of the Convention and developing assessment and processing procedures that do not marginalize or exclude gender-related experiences of persecution.

V. Family formation and reunification

35. Family formation and family reunification are major official reasons for international movements, because many countries have migration policies favouring the admission of migrants for family reunification. Since men are traditionally more likely to be considered heads of household than their wives, women are often classified as dependants of a male migrant during family migration. A number of countries that rely specifically on labour migration of a temporary nature do not permit family reunification. Women and girls tend to be slightly overrepresented in migration for family reunification. The application of laws and regulations governing family reunification may result in unequal or differential treatment of women and men.

36. The willingness of States to authorize family reunification is supported by international human rights law.[10] However, eligibility for family reunification is not universal. Many contract labour arrangements preclude the admission of family members, a situation that affects both women and girls wishing to join their husbands or fathers abroad, as well as men or children wishing to join their wives or

mothers abroad. Admission rules are also unlikely to allow family reunification for asylum-seekers and for those granted temporary protection in developed countries.

37. Family reunification and formation programmes may be subject to abuse unless properly managed. If marriage to a citizen or permanent resident is the only or principal route to admission, marriage fraud may result. Companies recruiting mail-order brides tend to be highly successful in countries with poor economies and few economic opportunities for women. While some companies have a legitimate interest in matching spouses, others use the lure of immigration as a pretext for trafficking in women and subjecting them to abusive relationships, prostitution or other exploitative work.

38. To improve the rights of migrant women, some countries have passed legislation that allows migrant women in abusive family situations to separate from their husbands without losing their migration status. That possibility allows battered foreign wives and children of citizens and legal migrants to obtain admission in their own right as permanent residents, without having to rely on the consent of the abuser.

VI. Labour migration

39. Increasingly, women migrate on their own to work abroad. They find jobs as unskilled workers in agriculture, the garment industry, the food-processing industry, light manufacturing or the service sector, where they work in nursing homes or as cleaners, domestic workers and salespersons. Domestic service is a common occupation for migrant women in many countries. Women, like men, migrate through official programmes that match workers and employers, or they migrate in search of work, often assisted by informal networks. Migrant women with a high level of education fill jobs requiring specialized skills, in the business, manufacturing, academic, education and health sectors. Many migrant women work in the health sector, particularly as nurses or physical therapists.

40. Female migrant workers are at greater risk of discrimination, exploitation and abuse than are male migrants or other female workers. They are subject to double discrimination, as women and as foreigners.[11] Female migrant workers abroad are not under the protection of the laws of their own countries, and they may not be entitled to the full range of protections afforded by the host country to its citizens. Given the concentration of migrant women in marginalized occupations, such as domestic work or work in the informal sector, ensuring the protection of their rights is often difficult.

41. Private recruitment agencies are often to blame for the abuses migrant women suffer. Agencies recruit women into dangerous employment conditions, or may participate in the trafficking of women. Recruiters or employers may even take the documents of female migrants upon their arrival in destination countries.[12]

42. The evolving gender roles in countries of destination have influenced immigration policies on the admission of migrant women for employment purposes. The growing participation of women in the labour force of countries of destination and its implications for family life have led to the creation of admissions programmes for foreign workers who can undertake childcare, care of the elderly,

housekeeping chores and other services that were previously the responsibility of native-born women.

43. An area of considerable importance in terms of future policy-making is the demographic gap emerging between the rich countries with very low fertility rates and poorer countries where fertility rates continue to be moderate or high. As a result of such trends, the populations of rich countries are ageing more rapidly than are those of poorer countries. Such population ageing is expected to increase demand for health services and caregivers in rich countries. Since women are disproportionately engaged in nursing and caregiving services, experts posit a likely increase in the demand for female workers, particularly female foreign workers, who may be more likely to accept lower wages for such jobs. Unauthorized migration has been a consistent channel through which migrant women have entered caregiver positions, and this mode of migration is likely to continue and possibly grow in the absence of an alternative.

VII. Refugees and displaced persons

44. Refugees have a special status under international law. A refugee is defined in article 1, paragraph 2, of the 1951 United Nations Convention relating to the Status of Refugees as any person who, "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country". The total population of concern to UNHCR fell, from 20.8 million persons at the end of 2002 to 17.1 million by the end of 2003. Refugees accounted for 57 per cent of the 2003 figure, up from 51 per cent in 2002.[13]

45. The share of women and girls among refugees varies considerably by country of origin and asylum. In Angola, Guinea, Pakistan and Rwanda, for example, more than 56 per cent of the refugees aged 18 to 59 years are women. A recent study on 42 European countries revealed that 44 per cent produce sex-disaggregated statistics on applications for asylum and 19 per cent produce sex-disaggregated statistics on decisions taken. According to UNHCR, the proportion of females among asylum applicants in Europe varies from 16 to 46 per cent.

46. The participation of refugee women in decision-making and programme implementation is a necessary step to ensure that they receive effective protection, obtain assistance on an equal footing with men and have the opportunity to lead productive, secure and dignified lives.

A. Legal protection of refugee and displaced women

47. To gain recognition as a refugee, asylum applicants must demonstrate that the level of harm that they have experienced amounts to persecution; that their own Government cannot or will not protect them from the harm; and that the persecution is based on one of the protection grounds included in the definition of a refugee. According to the UNHCR *Guidelines on Gender-Related Persecution* of 2003, although gender is not specifically referenced in the refugee definition, it is widely accepted that it can influence, or dictate, the type of persecution or harm suffered

and the reasons for this treatment. The refugee definition, properly interpreted, therefore covers gender-related claims.

48. Even where the basis for persecution would clearly fall into one of the defined areas, women face special problems in making their case to the authorities, particularly when they have had experiences that are difficult and painful to describe or involve risk of retaliation. The female victim of rape or sexual torture may be reluctant to speak about it, particularly to a male interviewer.

49. Another legal problem affecting refugee women is the actual status they are granted in a country of asylum. In most countries, family members accompanying a person granted refugee status receive the same status. However, conferral of refugee status is not automatic for spouses and children who follow a refugee to a country of asylum. Family reunification is not a right conferred on refugees by the 1951 Convention relating to the Status of Refugees, but is rather a recommended practice that leaves much to the discretion of each State.

50. The Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2), developed at the initiative of the Representative of the Secretary-General on internally displaced persons, provide specific guidance with regard to internally displaced women. The Guiding Principles, although not a legally binding instrument, are based on binding international human rights, humanitarian and analogous refugee law. They contain provisions regarding the participation of internally displaced women in the planning and the distribution of humanitarian assistance (Principle 18), women's health (Principle 19), identification documents (Principle 20) and education (Principle 23).

B. Physical safety and security

51. The protection of refugee and displaced women in conflict situations is problematic. Civilians are increasingly the targets of attacks in conflicts. Articles 7 and 8 of the Rome Statute of the International Criminal Court include rape and sexual violence among the crimes against humanity and war crimes. Rape and sexual assault can also occur during flight at the hands of border guards, military units, bandits and others. The safety of women and girls may be no more assured once they are living in refugee camps or among displaced persons.

52. Many factors contribute to the vulnerability of refugee and displaced women and girls to sexual violence and exploitation. The traditional communal support systems for the protection of widows, single women and unaccompanied minors may no longer exist in camp situations. Power relations in situations in which women and children are dependent on aid may increase vulnerability to sexual exploitation.

C. Access to refugee assistance and self-support

53. Many of the world's refugees and internally displaced persons are entirely dependent on international assistance for their basic needs, including food, shelter, water and health care. Equal access to food and other essential items is a key issue for refugee and displaced women and children. It is recognized that women must be

involved in initial stages of developing food distribution systems to promote equitable and efficient distribution to and within families.

54. Once the emergency phase is over, a leading cause of death among refugee and displaced women of childbearing age is complications from pregnancy, due to lack of trained midwives and traditional birth attendants, unsanitary and inadequate conditions during birth, and lack of family planning. Serious health complications also arise from female genital mutilation. An assessment of UNHCR *Guidelines on the Protection of Refugee Women* concluded, however, "that UNHCR and its partners have made important strides in providing reproductive health services. In contrast to a decade ago, when such services were rare, they are presently an integral part of health-care delivery programmes in some places."[14]

55. Becoming a refugee involves many dislocations and abrupt changes. At a minimum, refugee and displaced women face emotional adjustment problems resulting from the loss of family and community support. More serious mental health problems arising from prior torture and sexual abuse, during or after flight, are not uncommon.

56. Refugee and displaced women and girls also face many impediments to receiving education and skills-training. Cultural constraints sometimes prevent women from accepting work or undertaking training that takes them out of the household. There may also be restrictions on the type of work that is considered appropriate for women. Practical problems also constrain enrolment, including need for childcare and lack of time and energy after household work and/or wage employment. Many skills-training programmes assume a level of prior education, most notably in terms of literacy. Refugee and displaced women may not qualify for such programmes because of lack of access to elementary education in their country of origin.

D. Peace, repatriation and reconstruction

57. Refugee and displaced women are important resources for the development of post-conflict countries. They often learn skills in refugee camps that are in short supply in their home countries, such as literacy skills and productive trades.

58. Lack of economic opportunities in post-conflict countries is one of the most serious issues facing returning women and children, due to high rates of unemployment. This may force former refugee girls and women to turn to commercial sex work for survival. The demobilization of combatants also affects the reintegration and the protection of refugees and displaced persons in conflict situations. Lack of legal protection of land and property rights and of access to economic resources are challenges faced by women, particularly widows, in these situations.[15]

59. Refugees who are unable to return home or to remain in countries of first asylum may be candidates for resettlement to a third country. Most of the refugee women and children resettled in third countries enter as part of a family unit. Among some refugee populations, in particular survivors of rape, a significant number of women-headed households have been resettled.

VIII. Human trafficking and smuggling

60. Smuggling is defined in international law as: "the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident"[16] Trafficking is defined as: "the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation."[17]

61. The adoption of separate protocols, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, reflects the need to clearly distinguish between undocumented, smuggled migrants and trafficked persons. While undocumented migrants willingly accept to pay and take risks to be smuggled across borders in search of better life prospects, trafficked persons are victims of criminal groups. Women smuggled by traffickers may believe they will work in legitimate occupations, but they find themselves trapped into forced prostitution, marriage, domestic work, sweatshops and other forms of exploitation that constitute a contemporary form of slavery.

62. The trafficking of people for prostitution and forced labour is one of the fastest growing areas of international criminal activity, and one which is of increasing concern to the international community. Trafficking is believed to be the third largest source of profit for organized crime, after drugs and guns, generating billions of dollars annually.

63. An expert group meeting[18] organized by the Division for the Advancement of Women of the Secretariat concluded that factors that render persons, especially women and children, vulnerable to trafficking are: development processes marked by class, gender and ethnic concerns that marginalize women, in particular, from employment and education; displacement as a result of natural and human-made catastrophes; dysfunctional families; and gendered cultural practices, gender discrimination and gender-based violence in families and communities.[19]

64. Generally, the flow of trafficking is from developing countries to industrialized nations or towards neighbouring countries with marginally higher standards of living. Since trafficking is an underground criminal enterprise, there are no precise statistics on the extent of the problem. However, even according to conservative estimates, the problem is significant. While there is no single victim stereotype, a majority of trafficked women are under the age of 25, with many in their mid to late teens.[20]

65. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air require international cooperation in combating smuggling and trafficking and encourage States to pass measures for the protection of those who have been trafficked. During the coming years, there should be careful monitoring of the implementation of policies encouraged or required by the Protocols to identify best practices as well as problems arising for women who have been trafficked.

66. Responses to trafficking must be addressed at three levels. The first level is the supply of trafficking victims. The second is the demand side — those who ultimately use or benefit from the services provided by trafficked women and girls. They may be the customers, the users of child pornography or the manufacturing companies that rely on labour contracts with sweatshops. The third level is the traffickers themselves, as well as the corrupt officials who enable them to operate with impunity.

67. The General Assembly has highlighted actions to be taken by Governments to combat trafficking.[21] They included accurate, timely information about migration and trafficking disseminated to would-be migrants so that they can make informed choices about migration. Information is thus an important empowerment tool, diminishing the possibility of traffickers to exploit the ignorance of potential migrants.

68. Furthermore, while the importance of education cannot be overemphasized, preventive activities must go beyond awareness-raising. Prevention requires attention to two other issues: the need to provide economic opportunities at home and the need for legal channels of migration for women who might otherwise resort to utilizing smugglers and traffickers.

69. Effective prosecution of traffickers is also an essential part of any strategy to reduce the vulnerability of women and girls to this phenomenon. Some countries have begun to pass laws that explicitly criminalize smuggling and trafficking. Other countries have passed laws criminalizing trafficking, but have defined the term very restrictively to include only trafficking for sexual exploitation.

70. The testimony of trafficking survivors is generally invaluable to the prosecution of cases against traffickers. Trafficking is a difficult crime to investigate and is highly dependent on the willingness of victims to cooperate with law enforcement, though such cooperation can be highly dangerous for women and children if they are not properly protected.

71. Identification of trafficking victims is exceedingly difficult, requiring a multisectoral approach, not only relying on law enforcement. When trafficking victims come to the attention of authorities through raids on brothels and other places of employment, the victims are often afraid to reveal their situation. They may fear retaliation by the traffickers against them or their families at home, since traffickers may be working in cooperation with police or Government officials. Victims may also fear imprisonment or deportation on grounds of illegal entry into the country, even though they are victims of exploitation. Social service agencies, hospitals and clinics, schools, ethnic associations and other elements of civil society must be involved in the identification and rehabilitation of trafficked women and children.

72. States should consider a number of options regarding the future safety and security of survivors of trafficking. In some cases, women and children can return safely to their home countries. In other cases, they should be allowed to remain in the destination country, where they, with their families, may need to be enrolled in witness protection programmes. Progressive laws in some countries provide temporary or permanent legal status for trafficking victims, either in exchange for testimony or as a humanitarian act. In some cases, family members still in the

country of origin will be admitted to the country of destination if traffickers are likely to retaliate against them.

73. There is a need to balance crime prevention and prosecution and protection of the rights of trafficked women and children. States should consider a number of options regarding the future safety of trafficked survivors, including for their safe return or for remaining in the destination country.

IX. Integration of migrant women

74. Female labour force participation by immigrants varies considerably in destination countries. In general, female immigrants participate less in the labour force than the native population. Unemployment rates among women immigrants in the labour force are generally higher, although there are differences according to country of destination. Women tend to take jobs in the private sphere, with domestic work, garment manufacturing, entertainment jobs and service jobs being commonly held occupations. Higher skilled migrant women find employment as teachers and health professionals to a disproportionate degree. These jobs follow well-recognized gender patterns in terms of acceptable economic activities.

75. Women immigrants tend to have lower earnings relative to male immigrants and natives. Because of lower earnings, immigrant women, particularly as they age, are also more likely to need social services and benefits. "This phenomenon arises especially due to their specific experiences of discrimination as women and immigrants. The combined effect for many immigrant women amounts to a kind of 'social invisibility'. Hence welfare and public services are required for survival."[22] Despite the heightened need, immigrant women are also less likely to be aware of their eligibility for such benefits.

76. Migrant women also may not be able to benefit from language and skills training courses to help them find employment and upgrade their earnings. Barriers to access to language training by women include cultural constraints on their attending classes or participating in activities that take place outside the house. Practical problems such as the need for childcare, transportation and flexible schedules also impede the ability of women to attend classes.

77. The presence of women migrants will have an effect on receiving countries. The number of women migrants, various government policies and specific socio-economic characteristics all determine the impact of migration. The fiscal, economic and other effects of female migration will vary depending, inter alia, on the age and eligibility of women migrants to work, permanent residence, citizenship, access to public assistance and to language and other training programmes as well as their ability to reunify with their families.

78. When an entire family migrates, mobility can lead to gender and inter-generational tension. This is particularly the case when children adapt more quic' 'y than their parents to a new language and social system. Seeing their children adopt unfamiliar practices may prompt some immigrant women to recommit themselves and their families to more traditional patriarchal mores. Migration can serve to reinforce traditional gender roles in other respects. For example, women may be expected to preserve cultural and religious norms that appear to be under attack. Immigration rules can also reinforce traditional roles. Because many migrant

women obtain legal residency status through family reunification or formation, their ability to exercise rights may be limited by the willingness of their spouses to support their immigration claims.

79. Adjustment to a new culture can be a difficult process for women who migrate from developing to developed countries. A major factor in enabling adjustment and integration is legal status. Immigrants and refugees who have been admitted legally generally enjoy the same rights as other residents. Asylum-seekers are generally in a more insecure position while awaiting their hearings; in many cases they may be ineligible for employment or to receive services. The asylum procedure is often protracted, leaving asylum-seekers in an uncertain situation for an extended period of time.

80. Some countries have laws that particularly disadvantage women migrants as well as native women who marry foreign men. The ability of male spouses to obtain the nationality of their new country may be restricted, even when women spouses of native men are permitted to naturalize. Such provisions violate international human rights law. Article 9 of the Convention on the Elimination of All Forms of Discrimination against Women specifies that State Parties "shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband." In addition, the Convention provides that "State Parties shall grant women equal rights with men with respect to the nationality of their children."

81. Naturalization policies differ significantly by country in terms of required length of residence, knowledge of the country language and history, renunciation of prior citizenship, income requirements and evidence of good character. Research on gender differences and inequalities in naturalization patterns appear contradictory. Some researchers claim that men are more likely to naturalize because they are predominately in the public sphere; for example, working in jobs that require citizenship. Within some immigrant groups, however, women are likely to naturalize at higher rates than men.

X. Health and HIV/AIDS

82. Migration can profoundly affect the health and well-being of both migrating women and women staying behind when their spouses migrate. Its impact on the health of women is complex, involving an interaction of a broad range of health determinants, including access to health-care services, as well as the types of illnesses to which women are exposed. These factors are, in turn, affected by the migration patterns and the legal status of women.

83. Women migrants who work in hazardous jobs face occupational health problems. For example, unprotected exposure to pesticides has led to increased complications during pregnancy, including miscarriages among female migrant agricultural workers. The lack of well-regulated health conditions in manufacturing and the garment industry may also cause migrant women to experience occupational health hazards.

84. Women victims of trafficking are at high risk of injury and of contracting sexually transmitted diseases. Mental health problems, such as depression, may result from the trauma of their situation. Refugee women may suffer from post-traumatic stress disorder, with little or no recourse to adequate care, treatment or support owing to the loss of a social support network.

85. The ability of female migrants to access appropriate and affordable health care to address these physical and mental health problems is determined largely by their economic status, their eligibility for health services and insurance coverage and the availability of linguistically and culturally appropriate care.

86. Some migrant women are especially vulnerable to the risk of contracting HIV/AIDS. Women travelling alone may have little choice but to sell sex for survival or to establish partnerships simply for protection. Refugee and internally displaced women are exposed to rape as a weapon of war, and they might be sexually exploited. The risk of sexual violence also increases in sex-segregated and unregulated sectors of the economy, for example, among female traders, domestic workers and sex workers. Trafficked women forced into commercial sex are perhaps the most vulnerable to risk of infection.

XI. Recommendations

87. **The General Assembly may wish to consider recommending the following actions to empower migrant women, promote and protect their human rights and reduce their vulnerability to abuse.**

88. **Governments should take the following actions:**

(a) **Ratify and actively monitor implementation of all international legal instruments that promote and protect the rights of migrant women and girls, such as the Convention on the Elimination of All Forms of Discrimination against Women; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the Convention relating to the Status of Refugees; the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air, both supplementing the United Nations Convention against Transnational Organized Crime; and the United Nations Convention on the Rights of the Child, and its Optional Protocol on the sale of children, child prostitution and child pornography;**

(b) **Review national emigration and immigration laws and policies in order to identify discriminatory provisions that undermine the rights of migrant women;**

(c) **Ensure national policies addressing balanced approaches to trafficking focused on crime prevention and prosecution, including efforts to protect the rights of trafficked persons, as recommended by the Office of the United Nations High Commissioner for Human Rights (OHCHR) Principles and Guidelines on Human Rights and Human Trafficking. These protection measures should also be consistent with the provisions contained in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, including providing legal representation, witness protection, the rehabilitation of victims, opportunities for rehabilitation or for**

staying in the country of destination and efforts to combat the root causes of trafficking in countries of origin, especially through the economic empowerment of women;

(d) Ensure that the definition of trafficking and trafficking victims in national laws is consistent with the definitions included in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children;

(e) Adopt and implement policies that recognize gender-based persecution at the hands of non-State actors as grounds for granting refugee status under the 1951 Convention relating to the Status of Refugees, when the Government of a female asylum applicant is unwilling or unable to protect her from violence and abuse;

(f) Allow women applying for asylum to be interviewed separately from their husbands or other male members of their families to determine their eligibility for refugee status and adopt gender-sensitive approaches in carrying out the interview, including the use of female interviewers and translators trained in gender issues;

(g) Develop policies that recognize the contributions of migrant women in countries of destination and ensure that their professional credentials are recognized or that training for recertification, if required, is available.

89. Governments, at all levels, international organizations, including the United Nations and non-governmental organizations, the private sector and other stakeholders should, as appropriate, take the following actions:

(a) Develop policies that enhance migrant women's employment opportunities, access to safe housing, education, language training, health care and other services in the host country;

(b) Develop educational and communications programmes to inform migrant women of their rights and responsibilities under international and national laws, taking into consideration their cultural and linguistic backgrounds;

(c) Disseminate accurate and timely information about trafficking to would-be migrants to enable them to make informed decisions;

(d) Undertake research and collect data on international migration and disseminate them in appropriate ways, particularly by disaggregating all statistics by sex and age, in order to improve understanding of the causes of female migration and its impact on women, countries of origin and countries of destination, to provide a solid basis for the formulation of appropriate policies and programmes;

(e) Develop and disseminate information on the positive contributions of migration, particularly to dispel misinformation that leads to xenophobic and racist responses in destination countries that can put migrant women at risk of violence and abuse;

(f) Implement the UNHCR *Guidelines on the Protection of Refugee Women;* the recommendations contained in the UNHCR publication, *Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced*

***Persons: Guidelines for Prevention and Response*, the UNHCR Guiding Principles on Internal Displacement, the *OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking* and other policies and guidelines on empowering refugee and displaced women and protecting their rights and physical safety and security;**

(g) Improve the access of refugee women and girls to primary and reproductive health-care services, including programmes to address sexual and gender-based violence, trauma resulting from flight and conflict and sexually transmitted diseases, including HIV/AIDS.

Notes

[1] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex II, paras. 36, 46, 116, 225, 125 (c), 126 (d), 130 (b), 130 (d) and 130 (e).

[2] *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex, paras. 4.9, 10.9, 10.13 and 10.18.

[3] A/58/161.

[4] Population Division, Department of Economic and Social Affairs, *Trends in Total Migrant Stocks: 2003 Revision* (New York, 2003).

[5] Ibid.

[6] International Monetary Fund, *Global Monitoring Report 2004* (Washington, D.C., 2004).

[7] Organization for Economic Cooperation and Development, *Development Cooperation Report 2002*, Statistical Annex (OECD, 2002).

[8] A/58/275, para. 82.

[9] The Bangkok Declaration on Irregular Migration (A/C.2/54/2, annex) was signed by the Governments of Australia, Bangladesh, Brunei Darussalam, Cambodia, China, Indonesia, Japan, Republic of Korea, Lao People's Democratic Republic, Malaysia, Myanmar, New Zealand, Papua New Guinea, the Philippines, Singapore, Sri Lanka, Thailand, Viet Nam and Hong Kong Special Administrative Region in April 1999.

[10] Universal Declaration of Human Rights, resolution 217 A (III), article 16 (3).

[11] International Labour Organization, *Migrant Workers*, International Labour Conference, 87th session, 1999 (ILO, 1999).

[12] E/CN.4/2004/76.

[13] UNHCR, *2003 Global Refugee Trends: Overview of Refugee Populations, New Arrivals, Durable Solutions, Asylum-Seekers and Other Persons of Concern to UNHCR* (Geneva, UNHCR, 2004).

[14] Women's Commission for Refugee Women and Children, *UNHCR Policy on Refugee Women and Guidelines on Their Protection: An Assessment of Ten Years of Implementation* (New York, Women's Commission, 2002).

[15] S/2002/1154 and S/PRST/2002/32.

[16] Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime.

[17] Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

[18] United Nations Secretariat Division for the Advancement of Women, Department of Economic and Social Affairs, "Trafficking in women and girls", report of the expert group meeting, Glen Cove, New York, 18-22 November 2002.

[19] Ibid.

[20] "Trafficking of Women to the European Union: Characteristics, Trends and Policy Issues", European Conference on Trafficking in Women, June 1996, International Organization for Migration.

[21] Resolution 57/176.

[22] European Commission, "Migration and Social Integration of Migrants: valorisation of research on migration and immigration funded under the fourth and fifth European Framework Programmes of Research", proceedings of a dialogue workshop organized by the Directorate General for Research with the Directorate General for Employment and Social Affairs and the Directorate General for Justice and Home Affairs, Brussels, 28-29 January 2002.